IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI.APPLICATION NO.1139 OF 2005

The State of Maharashtra ..Appellant

Vs.

Chandrakant Gurushantappa Bhave ..Respondents

...

Ms.P.H.Kantharia A.P.P. for Appellant

...

CORAM: D.G.DESHPANDE AND SMT.V.K.TAHILRAMANI,JJ.

DATE : MARCH 20, 2006

P.C.:

1. Heard the learned A.P.P. for the Appellant-State.

2. This application is for leave to appeal by the State against the acquittal of the accused-respondent. The acquittal of the accused is under the provisions of N.D.P.S.Act. The case against accused-respondent is that he was found to have cultivated and grown ‘Ganja’ plants. After uprooting Ganja plants, they were found to weigh 60

gms. The value of the ganja plants was Rs.50/-. Police could not produce any documents to show that the land belonged to the accused and secondly, the net weight of leaves which are used for extraction of opium, is not given anywhere. Independent witnesses did not support the prosecution and trial. In the circumstances and looking to the facts of this case, the trial Court declined to believe the police officer. Therefore, the judgment of acquittal is proper. No interference is called for. Leave is rejected. Appeal is dismissed.

[D.G.DESHPANDE, J.]

[SMT.V.K.TAHILRAMANI,J.]